



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 2015

OFFICE OF
AIR AND RADIATION

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515-2206

Dear Mr. Chairman:

Thank you for your letter dated May 15, 2015, to U.S. Environmental Protection Agency Administrator Gina McCarthy, in which you raise concerns regarding the Small Business Advocacy Review (SBAR) panel for the EPA's proposed rulemaking on August 3, 2015, "Federal Plan Requirements for Greenhouse Gas Emissions from Electric Utility Generating Units Constructed on or Before January 8, 2014" (proposed Federal Plan). The Administrator asked that I respond on her behalf.

The proposed Federal Plan is an outgrowth of the Clean Power Plan for existing power plants, also called the Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units (79 FR 34830) that were finalized on August 3, 2015. The EPA takes seriously our obligations to small entities and will comply fully with both the spirit and the letter of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA). In May, the EPA held several meetings with the Small Entity Representatives (SERs) to present the agency's current thinking about regulatory options for the proposed Federal Plan.

As required by section 609(b) of the RFA, the EPA also convened a Small Business Advocacy Review (SBAR) Panel to obtain advice and recommendations from small entity representatives that potentially would be subject to the rule's requirements. The SBAR Panel evaluated the assembled materials and small entity comments on issues related to elements of an RFA. A copy of the full SBAR Panel Report is available in the rulemaking docket (EPA-HQ-OAR-2015-0199), which will be available when the proposed federal plan publishes in the Federal Register. The discussions with the SBAR Panel were robust and, as you will see from the report, yielded a number of suggestions that we have either incorporated with the proposed Federal Plan or are taking comment on.

While the SBAR panel itself has been completed, EPA encourages all stakeholders to submit comments via docket number EPA-HQ-OAR-2015-0199. The comment period will be open for 90 days following publication in the Federal Register. The EPA will take comments received from small businesses and other stakeholders into account as we craft the final rulemaking.

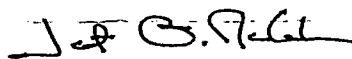
The EPA will accept comments on the proposed federal plan for 90 days following publication in the Federal Register. Comments on the proposed federal plan requirements, identified by Docket ID No. EPA-HQ-OAR-2015-0199, can be submitted by one of the following methods:

- Federal Rulemaking Portal www.regulations.gov: Follow the online instructions for submitting comments.
- Email: Send your comments via electronic mail to a-and-r-Docketa@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2015-0199.
- Facsimile: Fax your comments to (202) 566 9744, Attention Docket ID No. EPA-HQ-OAR-2015-0199.
- Mail: Send your comments to: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2015-0199. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: Desk Officer for EPA, 724 17th Street NW, Washington, DC 20503.
- Hand Delivery: Deliver your comments to: EPA Docket Center, Room 3334, EPA West Building, 1301 Constitution Ave., NW, Washington, DC, 20004, Attention Docket ID No. EPA-HQ-OAR-2015-0199. Such deliveries are accepted only during the Docket's normal hours of operation (8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays) and special arrangements should be made for deliveries of boxed information.

For more information about these final and proposed rules, visit <http://www2.epa.gov/cleanpowerplan>. Supportive materials are available through our website and my staff have been, and will continue to be, available to provide technical assistance to stakeholders regarding the EPA's rules to address carbon pollution from power plants.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Kevin Bailey in the EPA's Office of Congressional and Intergovernmental Relations at bailey.kevinj@epa.gov or (202) 564-2998.

Sincerely,



Janet G. McCabe
Acting Assistant Administrator